

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA COPENHAVER-NELSON,

Plaintiff,

v.

Case No. 07-12219
Honorable Patrick J. Duggan

SUE M. WAYNA-SLOMSKI,
NICHOLAS NASTASE,
CORRECTIONAL MEDICAL SERVICES, INC.,
and RAYMOND GELABERT,

Defendants.

ORDER GRANTING IN PART PLAINTIFF'S
MOTION FOR ALTERNATE SERVICE

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan on October 11, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Joshua Copenhaver-Nelson ("Plaintiff") has filed a *pro se* civil rights complaint. On June 4, 2007, the Court granted Plaintiff's Application to Proceed without Prepayment of Fees and Costs, but ordered Plaintiff to submit three additional copies of the complaint to the Court for service on the Defendants. Instead of providing the necessary copies, Plaintiff filed an affidavit and a motion for alternate service. The motion and affidavit allege that Plaintiff is unable to reproduce his complaint because a prison official confiscated Plaintiff's only copy of the complaint. Plaintiff seeks to have the Court direct

the Clerk of Court to serve the complaint on the Defendants at Defendants' expense and to provide Plaintiff with a copy of the complaint.

Plaintiff normally bears the burden of effectuating service of process and furnishing "the person effecting service with the necessary copies of the summons and complaint." *See* FED. R. CIV. P. 4(c)(1). However, because Plaintiff is proceeding *in forma pauperis* as provided in 28 U.S.C. § 1915, the Court is permitted to direct the United States Marshall to serve Plaintiff's process. *See* 28 U.S.C. § 1915(d). While this Court is permitted to order the United States Marshall to serve Defendants, this Court is not permitted to make the requested copies of Plaintiff's complaint. *See* 28 U.S.C. § 1915(c)(providing a list of expenses that a court can direct the United States to pay). Nor is this Court permitted to serve the Complaint on Defendants at their expense. Therefore, Plaintiff's Motion for Alternate Service is **GRANTED IN PART** and **DENIED IN PART** as follows:

IT IS ORDERED that the Clerk of Court mail one copy of the complaint to Plaintiff.

IT IS FURTHER ORDERED that Plaintiff make three copies of his complaint and return them to the Clerk of Court with a copy of this order within **twenty-one (21) days** of the date of this order. Failure to comply with this order may result in the dismissal of the complaint. If and when the Court receives the requisite number of copies, the Court will then direct the United States Marshal to serve the appropriate papers on Defendants without prepayment of the costs for such service.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
Joshua Copenhaver-Nelson
#240677
Gus Harrison Correctional Facility
2727 E. Beecher Street
Adrian, MI 49221